

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 21, 2009

- D054222 Chaidez v. City of La Mesa et al.**
The judgment is affirmed. Defendants are entitled to costs on appeal.
McConnell, P.J.; We Concur: Haller, J., O'Rourke, J.
- D051315 Personalized Workout of La Jolla v. Ravet**
The petition for rehearing is denied.
- D054556 Somo v. Jones Waldo Holbrook & McDonough**
The petition for rehearing is denied.
- D055183 Jacques v. La Mesa Dodge, Inc.**
The judgment is reversed and the matter is remanded to the trial court with directions to deny the summary judgment motion, or grant another continuance, or make another order as may be just. Plaintiff is awarded his costs on appeal.
McIntyre, J.; We Concur: McDonald, Acting P.J., Aaron, J.
- D056431 Harter v. The Superior Court of San Diego County**
The application for permission to appeal or to file a writ petition has been read and considered. The application is denied. The appeal filed on December 4, 2009, is dismissed.
- D054337 Rababy et al. v. Rancho Santa Fe Association**
The judgment is affirmed. The Rababys are awarded costs on appeal.
(Cal. Rules of Court, rule 8.278(a)(1).)
McIntyre, J.; We Concur: McDonald, Acting P.J., Aaron, J.
- D053841 Todd v. Todd**
Judgment affirmed. Appellant is to pay respondent's costs on appeal. On remand, respondent is entitled to raise the issue whether she is entitled to attorney fees incurred on appeal. Haller, J.; We Concur: Benke, Acting P.J., O'Rourke, J.
- D056422 In re S.A. et al., Juveniles**
This case has been reviewed by Associate Justices Haller, Nares and O'Rourke. The court has received notices of appeal filed by P.A. and S.A. on December 7, 2009. The notices of appeal are duplicative of their notices of intent in case number D056109, which was dismissed on December 9, 2009. The notices of appeal are accordingly dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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DIVISION ONE
December 21, 2009 (Continued)

D056418 In re Emely O., a Juvenile

This case has been reviewed by Associate Justices Haller, Nares and O'Rourke. The court has received a notice of appeal filed by Catalina G. on December 9, 2009. Catalina G.'s parental rights were terminated on June 11, 2007. Thus, she has no standing to appeal. To the extent she challenges the June 11, 2007 termination of her parental rights, the appeal is untimely. The appeal is accordingly dismissed.

D052929 Driscoll v. CB Richard Ellis, Inc., et al.

The judgment is affirmed. Defendants are entitled to costs on appeal. Benke, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D054655 People v. Turner

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.316.)

D056090 People v. Resendiz

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately.

D055869 In re S.A. et al., Juveniles

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately.

D50261 CEFS, Inc., et al. v. Creative Capital Leasing Group, Inc.

The court has been advised that the bankruptcy court has ruled that dismissal of this appeal will not violate the automatic stay. This court's stay order of October 10, 2007 is vacated. Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)

D054228 Engstrom v. Giba

Order affirmed. Giba to bear Engstrom's costs on appeal. Haller, J.; We Concur: McConnell, P.J., Irion, J.

D056195 Maria F. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

No timely petition for writ relief has been filed. The notice of intent is deemed to be abandoned. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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December 21, 2009 (Continued)

- D056173 M.C. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**
No timely petition for writ relief has been filed. The notice of intent is deemed to be abandoned. The case is dismissed.
- D056164 A.V. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**
No timely petition for writ relief has been filed. The notice of intent is deemed to be abandoned. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 22, 2009

- D054988 People v. Anunciation**
Anunciation's conviction for second degree murder is reversed and the matter is remanded. In all other respects, the judgment is affirmed.
Irion, J.; We Concur: Haller, Acting P.J., O'Rourke, J.
- D055464 In re Samuel R., a Juvenile**
The order is affirmed. McDonald, J.; We Concur: Nares, Acting P.J., McIntyre, J.
- D053658 South Bay Rod and Gun Club v. Dashiell**
Pursuant to California Rules of Court, rule 8.268(b), this Court requests the appellant file an answer to the petition for rehearing within eight days of this order.
- D056432 People v. Spencer**
San Diego Superior Court file SCD153101 and the notice of appeal have been read and considered by Presiding Justice McConnell and Associate Justices Nares and Haller. A defendant has no standing to move to recall his or her sentence. (People v. Pritchett (1993) 20 Cal.App.4th 190, 194.) The October 20, 2009, order is not appealable. The appeal filed on December 8, 2009, is dismissed.
- D056315 In re Bartholomew on Habeas Corpus**
The petition is denied.
- D056321 In re Neblett on Habeas Corpus**
The petition is denied.
- D053325 American Meat Institute et al. v. Leeman**
The judgment is affirmed. The parties are to bear their own costs on appeal.
Irion, J.; We Concur: Haller, Acting P.J., O'Rourke, J.
- D055978 Oggi's Pizza & Brewing, Co. v. DSB Enterprises, Inc., et al.**
The appeal filed September 11, 2009, is dismissed because appellant did not timely deposit costs for preparing the record on appeal (Cal. Rules of Court, rules 8.122(c), 8.130(b), 8.140).
- D056356 People v. El-Shaddal**
The denial of a petition for writ of habeas corpus is not appealable. The appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 23, 2009

D054292 Riley v. Valencia et al.

The judgments and order are affirmed. Defendants are entitled to costs on appeal.
McConnell, P.J.; We Concur: Huffman, J., McDonald, J.

D056323 In re Basson on Habeas Corpus

The petition is denied.

D055105 Parker-Montes v. Parker

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)

D056382 In re Walker on Habeas Corpus

The petition is denied.

D056411 In re Perea on Habeas Corpus

The petition and motion for judgment on the pleadings are denied.

D056390 In re Meza on Habeas Corpus.

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 24, 2009

D055655 People v. Bolton

D056092 People v. Bolton

Appellant's application to consolidate case numbers D055655 and D056092 is granted. All documents will be filed under D055655. The notice issued on November 30, 2009, under California Rules of Court, rule 8.360(c)(5) in D055655 is vacated. Appellant's request for an extension of time is granted. Appellant's opening brief is due 30 days from the date of this order.

D055347 In re Y.H. et al., Juveniles

The judgment is affirmed.

Nares, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D054118 People v. Araya

The judgment is affirmed. Benke, J.; We Concur: McConnell, P.J., Nares, J.

D054609 Tate v. Wilburn

The petition for writ of supersedeas and informal response have been read and considered by Justices Haller, McDonald and O'Rourke. The petition is granted.

D055286 Cade v. Siddell

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.

D056439 Kurtenbach v. Superior Court of San Diego County/People

The petition is denied.

D056134 Valenzuela et al. v. County of San Diego et al.

Because appellants have not timely paid the filing fee, the appeal is dismissed. (Cal. Rules of Court, rule 8.100(c)(3).)

D056224 J.G. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Keith W. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. No timely petition for writ relief has been filed. The notice of intent as to J.G., is deemed to be abandoned. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
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December 24, 2009 (Continued)

D056222 A.D. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

No timely petition for writ relief has been filed. The notice of intent is deemed to be abandoned. The case is dismissed.

D055557 People v. Macias

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.316.)

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 25, 2009

Court Holiday